

REMARKS

Claims 11-12, 15, 21-22, and 25 were rejected as anticipated by IKEDA et al. 6,711,167. Claims 1, 4-6, 9-10, 16, and 19-20 were rejected as unpatentable over IKEDA et al. in view of RUSU et al. 6,111,880; claims 2-3, 7-8, and 17-18 were rejected as unpatentable over IKEDA et al. in view of RUSU et al. and KSHIRSAGAR et al. 6,016,319; and claims 13-14 and 23-24 were rejected as unpatentable over IKEDA et al. in view of KSHIRSAGAR et al. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 11 and 21 have been amended to include the subject matter of claims 13 and 23, respectively. Accordingly, the rejection of claims 11-12, 15, 21-22, and 25 under §102 has been overcome.

All claims now include subject matter in claims rejected under §103 over IKEDA et al., which is a reference only under §102(e). IKEDA et al. and the present invention were, at the time the claimed invention was made, owned by NEC Corporation. The present invention was made by January 26, 2000 when the priority application was filed in Japan. IKEDA et al. was owned by NEC Corporation through at least November 1, 2002, as shown on the copy of the abstract of title for IKEDA et al. in the Appendix. Accordingly, IKEDA et al. is no longer useable as a reference against the present application by operation of

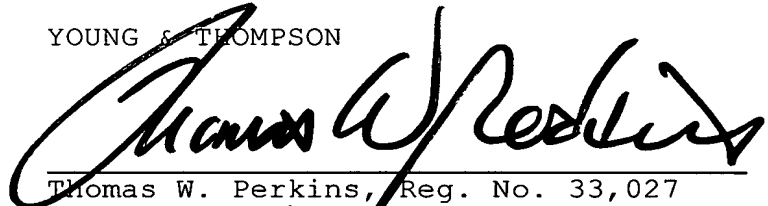
\$103(c) and the rejections based on this reference should be withdrawn.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. \$1.16 or under 37 C.F.R.\$1.17.

Respectfully submitted,

YOUNG & THOMPSON

A large, stylized handwritten signature in black ink, appearing to read 'Thomas W. Perkins', is written over the printed name and address.

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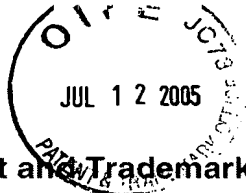
TWP/lk

Appendix

- copy of abstract of assignment of U.S. Patent 6,711,167



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Patent Assignment Abstract of Title

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Total Assignments: 2

Patent #: 6711167 **Issue Dt:** 03/23/2004 **Application #:** 09246732 **Filing Dt:** 02/09/1999**Inventors:** CHINATSU IKEDA, YASU HARU TOMIMITSU**Title:** ATM COMMUNICATION APPARATUS CONTROLLING METHOD, ATM COMMUNICATION APPARATUS AND RECORDING MEDIUM THEREFOR

Assignment: 1

Reel/Frame: 009864/0990**Recorded:** 04/05/1999**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** IKEDA, CHINATSU**Exec Dt:** 02/09/1999

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Exec Dt: 02/09/1999**Assignee:** NEC CORPORATION7-1, SHIBA, MINATO-KU
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Assignment: 2

Reel/Frame: 013797/0153**Recorded:** 02/28/2003**Pages:** 8**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** NEC CORPORATION**Exec Dt:** 11/01/2002**Assignee:** NEC ELECTRONICS CORPORATION1753 SHIMONUMABE
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